



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 1128 of 2018

and

W.M.P (MD) Nos. 1186 to 1188 of 2018

Miss.P.Tamilarasi

... Petitioner

Vs.

1.The Member Secretary

Teachers Recruitment Board,
Government of Tamil Nadu,
E.V.K.Sampath Maligai,
D.P.I Compound,
College Road,
Chennai - 600 006.

2.The Secretary to Government of Tamil Nadu

Higher Education Department,
St. George Fort,
Chennai.

3.The Chairman,

Teachers Recruitment Board,
Government of Tamil Nadu,
E.V.K.Sampath Maligai,
College Road,
Chennai - 600 006.

4.The Director of College Education,

E.V.K. Sampath Maligai,
D.P.I Compound,
College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent, Member Secretary, Teacher's Recruitment Board, College Road, Chennai - 600 006 vide its impugned order letter No.Rc.No.3048/L1/2016 dated 13.07.2017 received by the petitioner on 23.07.2017 and quash the same and to direct the first and second respondents to select and appoint the petitioner in the post of Lecturer in the Home Science Department in any one of the respondents Government Colleges in Tamil Nadu as per this Court Order in W.P(MD)No.3947 of 2011 dated 21.11.2016.



For Petitioner : Dr.R.Rajagopal

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader

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ORDER

The petitioner is an M.Sc., in Food Service Management and Dietetics. She passed out of Avinashilingam Institute for Home Science and Higher Education for Women. The second respondent Board issued notification in the year 2010 for recruiting candidates for the post of Lecturer in Home Science in Tamil Nadu Collegiate Educational Services for 2008. The petitioner herein was one of the candidates, who applied in response to the said recruitment notification. The petitioner was not considered for appointment because according to the respondent Board, she did not possess the qualification in the relevant subject. Hence, she filed W.P(MD) No.3497 of 2011. This Court by order dated 21.11.2016 allowed the writ petition and directed the respondent to consider her case as done in the case of similarly placed persons and pass suitable orders in accordance with law, within a period of six weeks.

2.The learned Judge specifically referred to an earlier order dated 26.07.2010 passed in W.P(MD)No.15796 of 2009. The learned Judge has also observed that the petitioner appears to have acquired all the qualifications required for being appointed as Lecturer in the discipline of Home Science. Pursuant to the aforesaid direction given by this Court, the impugned order came to be passed.

3.There has been a shift in the stand of the Board. Earlier the only ground taken by the board against the petitioner was that she was not qualified to be appointed to the said post. Now the stand taken in the impugned order is that the petitioner did not secure the requisite cut off marks. The petitioner belongs to Schedule Caste community. According the respondents, the cut off mark for SC community candidates was 23. Since the petitioner secured only 21 marks in the final selection, she was not considered for selection. This stand cannot be accepted. This is because even as admitted in the impugned order itself, two other SC candidates, namely, Kavitha Maheswari and Santhadani, who have secured 20 marks, were appointed as Lecturers in Home Science. Therefore, this ground is not available to the respondents.

4.After hearing the rival contentions and going through the entire material on record, two facts clearly emerge. The petitioner is possessing the requisite educational qualification for being appointed to the post in question. Secondly, the petitioner cannot be thrown out on the ground that she did not secure the cut off mark of 23. If the petitioner is thrown out, it will be a gross violation of her fundamental rights guaranteed under Article 14 of the Constitution of India because identically placed candidates, who have secured lower marks were given appointments. Looking at from



any angle, the impugned order cannot be sustained. The impugned order is therefore quashed. The respondents are directed to issue order appointing the petitioner as Lecturer in the Home Science. It is made clear that the petitioner shall not make any further claim such as seniority etc.

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5.The Teachers Recruitment Board is only a recruiting agency. The Teachers Recruitment Board is directed to forward the name of the petitioner as a selected candidate to the Directorate of Collegiate Education within a period of two weeks from today. Immediately, on receipt of the such a communication, the fourth respondent/Directorate of Collegiate Education shall issue an order appointing the writ petitioner as Lecturer in Home Science within two weeks thereafter.

6.With above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Member Secretary

Teachers Recruitment Board,
Government of Tamil Nadu,
E.V.K.Sampath Maligai, D.P.I Compound,
College Road, Chennai - 600 006.

2.The Secretary to Government of Tamil Nadu

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4.The Director of College Education,

E.V.K. Sampath Maligai,
D.P.I Compound,
College Road, Chennai - 600 006.

+3CC TO DR.R.RAJAGOBAL, ADVOCATE, SR NO.51847

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.52508

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